

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER		DO NOT WRITE IN THIS SPACE Case 10-CA-160066		Date Filed 09/16/2015
INSTRUCTIONS: File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.				
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT				
a. Name of Employer (b) (6), (b) (7)(C) d/b/a McDonalds & McDonald's Corp., as Joint and Single Employers		b. Number of workers employed 20		
c. Address Store: 508 Pisgah Church Avenue Greensboro, NC 27438 McDonald's Corp.: 2111 McDonald's Dr. Oak Brook, IL 60523	d. Employer Representative Store: (b) (6), (b) (7)(C) Corporate: Gloria Santana	e. Telephone No. (336) 288-6658		
f. Type of Establishment Restaurant	g. Identify principal product or service Food Service			
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.				
2. BASIS OF THE CHARGE <i>(Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</i> In or around late (b) (6), (b) (7)(C) 2015, the above named employer unlawfully interfered with, restrained, and coerced employees in the exercise of their rights under the Act by cutting the hours and days of employee (b) (6), (b) (7)(C) or engaging in protected concerted activity.				
3. Full name of party filing charge <i>(If labor organization, give full name, including local name and number)</i> Southern Workers Organizing Committee				
4a. Address <i>(street and number, city, state, and ZIP code)</i> 2220 N. Roxboro Ave. Durham, NC 27701		4b. Telephone No. (b) (6), (b) (7)(C)		
5. Full name of national or international labor organization of which it is an affiliate or constituent unit <i>(to be filled in when charge is filed by a labor organization)</i>				
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.				
 <i>(Signature of representative or person making charge)</i>		Paul Smith, Attorney <i>(Title if any)</i>		
Address <u>Patterson Harkavy LLP, 100 Europa Dr. Suite 420 Chapel Hill, NC 27517</u>		<u>919.942.5200</u> <i>(Telephone No.)</i>		
(Date) <u>8/31/2015</u>				
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)				

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

PATTERSON HARKAVY LLP

100 Europa Drive, Suite 420

Chapel Hill, NC 27517

Telephone: 919-942-5200

(b) (6), (b) (7)(C)@pathlaw.com

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Burton Craig
Narendra K. Ghosh
Jonathan R. Harkavy*
Michael G. Okun
Henry N. Patterson, Jr.
Paul E. Smith

Of Counsel:
Nahomi Harkavy*
**practice limited to*
Alternative Dispute Resolution

Patterson | Harkavy LLP

ATTORNEYS AT LAW
Raleigh • Chapel Hill • Greensboro

FAX TRANSMITTAL

Reply to Chapel Hill

100 Europa Drive, Suite 420
Chapel Hill, NC 27517
Telephone: (919) 942-5200
Fax: (866) 397-8671

www.pathlaw.com

DATE: 8/31/15

TO: Subregion 11, NLRB

FAX No. (336) 631-5210

FROM: (b) (6), (b) (7)(C)

Re: New NLRB Charge

TOTAL # OF PAGES BEING TRANSMITTED INCLUDING
COVER SHEET: 2

Please see the attached letter.

IF THERE ARE ANY PROBLEMS WITH THE RECEIPT OF THIS TRANSMITTAL,
PLEASE CALL 919/942-5200 AS SOON AS POSSIBLE.

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service.

Thank you.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlr.gov
Telephone: (336)631-5201
Fax: (336)631-5210



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September 16, 2015

(b) (6), (b) (7)(C)

McDonalds
508 Pisgah Church Avenue
Greensboro, NC 27438

Gloria Santona
McDonald's Corp., as Joint and Single Employers
2111 McDonalds Dr
Oak Brook, IL 60523-2199

Re: (b) (6), (b) (7)(C) d/b/a McDonalds &
McDonald's Corp., as Joint and Single
Employers
Case 10-CA-160066

Dear (b) (6), (b) (7)(C), Ms. Santona:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner BRENT L. KENSEY whose telephone number is (336)631-5234. If this Board agent is not available, you may contact Supervisory Attorney SHANNON R. MEARES whose telephone number is (336)631-5230.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

(b) (6), (b) (7)(C) d/b/a McDonalds &
McDonald's Corp., as Joint and Single
Employers
Case 10-CA-160066

- 3 -

September 16, 2015

We can provide assistance for persons with limited English proficiency or disability.
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Claude T. Harrell Jr.
Regional Director

By:



Scott C. Thompson
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

(b) (6), (b) (7)(C) d/b/a McDonalds & McDonald's Corp., as Joint and Single Employers

CASE NUMBER

10-CA-160066

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**

A. STATE OF INCORPORATION OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues from all sales or performance of services (Check the largest amount)**☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date: _____

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may

cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**(b) (6), (b) (7)(C) D/B/A MCDONALDS &
MCDONALD'S CORP., AS JOINT AND SINGLE
EMPLOYERS**

Charged Party

and

**SOUTHERN WORKERS ORGANIZING
COMMITTEE**

Charging Party

Case 10-CA-160066

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 16, 2015, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

McDonalds
508 Pisgah Church Avenue
Greensboro, NC 27438

Gloria Santona
McDonald's Corp., as Joint and Single
Employers
2111 McDonalds Dr
Oak Brook, IL 60523-2199

September 16, 2015

Date

Lisa A. Davis, Designated Agent of NLRB

Name

/s/ Lisa A. Davis

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210



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September 16, 2015

Southern Workers Organizing Committee
2220 N. Roxboro Ave.
Durham, NC 27701

Re: (b) (6), (b) (7)(C) d/b/a McDonalds &
McDonald's Corp., as Joint and Single
Employers
Case 10-CA-160066

Dear Sir or Madam:

The charge that you filed in this case on September 16, 2015 has been docketed as case number 10-CA-160066. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner BRENT L. KENSEY whose telephone number is (336)631-5234. If this Board agent is not available, you may contact Supervisory Attorney SHANNON R. MEARES whose telephone number is (336)631-5230.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

September 16, 2015

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Claude T. Harrell Jr.
Regional Director

By: 

Scott C. Thompson
Officer in Charge

cc: Paul Smith, Attorney
Patterson Harkavy LLP
100 Europa Drive
Suite 420
Chapel Hill, NC 27517-2372

From: [Dunham, Geoffrey](#)
To: [Meares, Shannon R.](#)
Cc: [Shearin, Lisa R.](#); [Wainstein, Richard](#)
Subject: RE: (b) (6), (b) (7)(C) d/b/a McDonalds & McDonald's Corp., as Joint and Single Employers (Case 10-CA-160066)
Date: Monday, October 19, 2015 3:42:23 PM

Thanks for the heads up.

From: Meares, Shannon R.
Sent: Monday, October 19, 2015 2:20 PM
To: Dunham, Geoffrey
Cc: Shearin, Lisa R.
Subject: (b) (6), (b) (7)(C) d/b/a McDonalds & McDonald's Corp., as Joint and Single Employers (Case 10-CA-160066)

Hi Geoff.

I just wanted to let you know that today we are approving the Union's request to withdraw this charge. (b) (5)

[REDACTED]

Thank you.

Shannon R. Meares, Supervisory Attorney
National Labor Relations Board
Subregion 11
4035 University Parkway, Suite 200
P.O. Box 11467
Winston-Salem, NC 27116-1467
(Office) 336.631.5230 (Fax) 336.631.5210



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11
4035 University Pkwy Ste 200
Winston Salem, NC 27106-3275

Agency Website: www.nlrb.gov
Telephone: (336)631-5201
Fax: (336)631-5210

October 19, 2015

Charles P. Roberts III, Esq.
Constangy, Brooks, Smith & Prophete, LLP
100 N. Cherry St, Ste 300
Winston Salem, NC 27101

Doreen S. Davis, Esquire
Jones Day
222 East 41st Street
New York, NY 10017-6702

Michael Ferrell, ESQ.
Jones Day
77 W Wacker Dr Ste 3500
Chicago, IL 60601-1692

Delilah Clay (Jones Day)
77 W Wacker Dr Ste 3500
Chicago, IL 60601-1692

Re: (b) (6), (b) (7)(C) d/b/a McDonalds & McDonald's
Corp., as Joint and Single Employers
Case 10-CA-160066

Dear Mr. Roberts, Ms. Davis, Mr. Ferrell, Ms. Clay:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Claude T. Harrell Jr.
Regional Director

A handwritten signature in cursive script, reading "Lisa R. Shearin".

By:

Lisa R. Shearin
Acting Officer in Charge

(b) (6), (b) (7)(C) d/b/a McDonalds &
McDonald's Corp., as Joint and Single
Employers
Case 10-CA-160066

- 2 -

October 19, 2015

cc: (b) (6), (b) (7)(C)
McDonalds
508 Pisgah Church Avenue
Greensboro, NC 27438

Paul Smith, Attorney
Patterson Harkavy LLP
100 Europa Drive
Suite 420
Chapel Hill, NC 27517-2372

Gloria Santona
McDonald's Corp., as Joint and Single
Employers
2111 McDonalds Dr
Oak Brook, IL 60523-2199

Southern Workers Organizing Committee
2220 N. Roxboro Ave.
Durham, NC 27701